

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

Case No. 2:22-cv-1176

**COMPLAINT – LABOR; 29 U.S.C.  
§660**

Plaintiff Martin J. Walsh, Secretary of Labor, U.S. Department of Labor (“Plaintiff” or the “Secretary”), by and through his undersigned attorneys, brings this complaint against the Defendant, United States Postal Service (“USPS”), and alleges the following:

1. This action for injunctive and other relief, pursuant to Section 11(c) of the Occupational Safety and Health Act of 1970, as amended, (29 U.S.C. §§ 651-78) (“the Act”), seeking to enforce the provisions of Section 11(c) of the Act.

2. Jurisdiction of this action is conferred upon the Court by Section 11(c) of the Act, 29 U.S.C. § 660(c)(2).

3. Defendant United States Postal Service (“USPS”) sorts and delivers mail out of a facility located in Seattle, Washington, within the jurisdiction of this Court. Defendant USPS is now, and was at all relevant times, a person as defined in 29 U.S.C. § 652(4)-(6).

1           4.       USPS hired Maurice Mitchell as a mail carrier on July 18, 2020, subject to  
2 completion of a 90-day probationary period. Mr. Mitchell's last day of employment with USPS  
3 was September 23, 2020. At all relevant times, Mr. Mitchell was an employee of USPS as  
4 defined in 29 U.S.C. §§ 652 (5)-(6).

5           5.       On July 18, 2020, Mr. Mitchell suffered an injury at work while he was still a  
6 probationary employee.

7           6.       The next day, on July 19, 2020, Mr. Mitchell reported the injury to his direct  
8 supervisor, Simpratal Singh ("Supervisor Singh"). Mr. Mitchell informed Supervisor Singh that  
9 he only required a single day of leave to rest his shoulder injury. In response, Supervisor Singh  
10 instructed Mr. Mitchell to take two days of leave.

11           7.       On September 9, 2020, Mr. Mitchell aggravated his shoulder injury at work while  
12 he was still a probationary employee. That same day, he verbally informed his supervisor Brian  
13 Harris ("Supervisor Harris") that he was injured. The following day, Mr. Mitchell likewise  
14 informed Supervisor Singh that he was injured.

15           8.       Between September 12, 2020 and September 23, 2020, Mr. Mitchell repeatedly  
16 requested USPS complete an injury report so that Mr. Mitchell could file a worker's  
17 compensation claim. Mr. Mitchell did not receive a USPS injury report by September 23, 2020.

18           9.       On September 23, 2020, USPS terminated Mr. Mitchell's employment.

19           10.      On September 23 2020 and following his termination, Mr. Mitchell filed a  
20 whistleblower complaint with the Occupational Safety and Health Administration alleging that  
21 the Defendant discriminated against him in violation of §11(c)(1) of the Act, 29 U.S.C. §  
22 660(c)(1).

23           11.      Plaintiff investigated the whistleblower complaint in accordance with §11(c)(2) of  
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1 the Act.

2 12. By the acts described above, and by each of said acts, Defendant discriminated  
3 against Mr. Mitchell because of Defendant's belief that Mr. Mitchell exercised his rights under  
4 or related to the Act, and thereby Defendant engaged in, and is engaging in, conduct in violation  
5 of §11(c)(1) of the Act. 29 U.S.C. § 660(c)(1).  
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7 **PRAYER FOR RELIEF**

8 1. WHEREFORE, cause having been shown, the Secretary of Labor prays for a  
9 Judgment against Defendant as follows:

10 (1) For an Order permanently enjoining Defendant, its officers, agents, servants,  
11 employees and all persons acting or claiming to act in their behalf and interest from violating the  
12 provisions of § 11(c)(1) of the Act, 29 U.S.C. §660(c)(1); and  
13

14 (2) For all appropriate relief as follows:

15 a. Payment to Mr. Mitchell for lost wages and benefits including interest  
16 thereon, compensatory damages, plus pre- and post-judgment interest accruing  
17 thereon; and

18 b. For an Order directing Defendant to expunge any adverse references from  
19 Mr. Mitchell's personnel record and reinstate Mr. Mitchell with full-time  
20 employment and all attendant benefits and privileges; and  
21

22 c. For an Order directing Defendant USPS and its officers, supervisors, and  
23 lead employees to be trained in the whistleblower provisions of the Act; and

24 d. For an Order requiring posting in a prominent place at Defendant USPS'  
25 Seattle, Washington facility for 90 (ninety) days a Notice stating Defendant will  
26 not in any manner discriminate against employees because of engagement,  
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1 whether real, perceived, or suspected, in activities protected by Section 11(c) of  
2 the Act; and

3 e. For an Order granting such other and further relief as may be necessary  
4 and appropriate in this action, including costs and attorneys' fees.  
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6  
7 Respectfully submitted this 23rd day of August, 2022.  
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11 SEEMA NANDA  
12 Solicitor of Labor

13 MARC A. PILOTIN  
14 Regional Solicitor

15 JEANNIE GORMAN  
16 Whistleblower Coordinator

17 By /s/ Natasha Magness

18 NATASHA MAGNESS  
19 Trial Attorney  
20 U.S. DEPARTMENT OF LABOR  
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